

ARTICLE APPEARED
ON PAGE 25THE NEW YORK TIMES
3 March 1978

On C.I.A. Secrecy, News Leaks and Censorship

By Frank Snepp

ARLINGTON, Va. — The secrecy agreement all Central Intelligence Agency officials sign when they join the agency seems to be the most elastic thing since rubber bands. Last fall, the former Director of Central Intelligence, Richard Helms, stretched it to cover a lie he had previously fobbed off on Congress. (He explained to a judge that he had been unable to tell the Senate Foreign Relations Committee the truth about C.I.A. involvement in Chile because of his oath to protect "sources and methods.")

Now the Carter Administration and the C.I.A. are bending the secrecy agreement to yet another purpose. They are using it to try to tie me up legally and financially because I dared to tell the truth (though no secrets) about a C.I.A. botch during the last days of the Vietnam War.

When I returned to Washington in the summer of 1975, after the fall of Saigon, I went to the C.I.A.'s Inspector General, and asked to be allowed to do an after-action report.

I wanted to help the C.I.A. learn from its mistakes and to try to answer the agonizing question why so many of our Vietnamese employees and collaborators had been left behind. I thought it was my duty to prompt such an appraisal, and my right as well, since the secrecy agreement I had signed years before not only obliged me to keep the nation's secrets but also specified that the Inspector General stood ready to help resolve any complaints.

'Feeding the Press'

This time, however, the Inspector General did not stand ready. His representative did not want to hear about the evacuation, which he dismissed as "too complicated." Meanwhile, I discovered that a number of Administration officials—including the then Director of Central Intelligence, William E. Colby, who likewise had signed a secrecy agreement—were quietly feeding the press their own self-serving accounts of Saigon's collapse.

Shortly afterward, I resigned from the C.I.A. in protest and vowed to write a book about the tragedy as a way of getting the truth out. But I also resolved not to betray any secrets that had not been blown already. The last thing I wanted to do was to cause further pain to the Vietnamese we had left behind.

Initially, I had intended to submit the galley proofs of my book to the C.I.A. for review, to prove that I had honored the spirit of the secrecy agreement. But last May, after a meeting with the new Director, Adm. Stansfield M. Turner, I decided definitely not to do so. I had asked for the interview to find out if I was under Federal Bureau of Investigation surveillance, as one of my C.I.A. friends had intimated, and to request release of a highly classified document dealing with Saigon's collapse that one of Mr. Colby's deputies had shown to journalists a year and a half before.

No Further Dealing

Admiral Turner, embarrassed by that leak, ordered the document declassified and turned over to me—"no journalist gets preferential treatment on my watch!" he exclaimed—but he refused to give me firm assurances about the F.B.I. And after the meeting, a lawyer from his office demanded that I sign a second secrecy agreement, as if the first were not binding, though he would not tell me why this was necessary. I refused, and made up my mind not to deal any further with the C.I.A. Admiral Turner seemed to be trying to trick me into a new legal entanglement that he would not, or could not, explain.

My book was published last November without C.I.A. clearance. Admiral Turner was furious and promptly leaked all sorts of stories to the press, many of them untrue, that were intended to impugn my integrity and competence. He claimed that I had signed a second secrecy agreement and that he had given me the classified document last summer in return for a personal "promise" that I would submit my manuscript for approval. Both statements were false—there was never any such promise from me—and when I publicly challenged his story about the second oath he publicly backed down.

A Civil Suit

Now the Justice Department is bringing a civil suit against me, in Federal court, in Alexandria, Va. It claims that I have broken a contract, my secrecy agreement with the agency, by publishing without approval.

There is a vague legal precedent for the Government's action. Several years ago the C.I.A. discovered that a former

employee, Victor Marchetti, was preparing to publish a book containing classified information, and it obtained a court injunction forcing him to turn over his manuscript—and anything else he might ever write or say about his experiences in the agency—for review.

Although the C.I.A. was not able to censor my book, it is seeking a similar injunction against me, one that would give it the right of prior restraint over any other pronouncements I might make about my C.I.A. career for the rest of my life. Also, it is demanding all the profits from my book and a monetary award (as yet undetermined) to cover the "damage" I have supposedly done to the agency by telling the truth.

Never once, however, has the Justice Department or the C.I.A. claimed that I have leaked any secrets. In other words, quite unlike Mr. Marchetti, I am being hauled into court simply for ignoring the C.I.A.'s Review Board. The difference is highly significant, for if the C.I.A. wins its case it will have established a precedent for punishing any past or present employee who merely speaks out without checking with the agency beforehand, regardless of whether secrets are revealed. The chilling effect on even the most responsible whistle-blowers within the ranks, those who have no intention of "spilling" classified information, would be devastating.

'His Own Bungling'

In fairness to Admiral Turner, it is understandable why he is so sensitive to any real or imagined breaches of the secrecy agreement at present. He is in the process of dismissing over 820 "surplus" officers, any of whom might be tempted to take up the pen in vengeance if they felt they could get away with it.

Still, the Admiral should be ashamed of trying to use me as an excuse for his own bungling. To judge from his leaks, he would like the public to think I'm some kind of wayward Pied Piper who will—if not punished—lead hundreds of former C.I.A. men off to publishing houses.

But the real problem is not Frank Snepp or my book, but rather Admiral Turner himself. Two-thirds of those he has already dismissed were eligible for retirement anyway, and he could

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have allowed them to bow out with "honor" under that guise. Instead, he went out of his way to offend them, publicly labeling the complainers "cry babies." If some of them now run off to the news media to blow national secrets, it will be, in part, because of resentments Admiral Turner generated.

As I suggested recently before a closed session of the Senate Select Committee on Intelligence, there are ways to insure that past or present C.I.A. men keep secrets without bludgeoning them legally. For one thing, the C.I.A. should set up a "dissent channel" similar to the one in the State Department so that officers with complaints might easily air them with their superiors or even the White House, without "going public."

Rules Governing Leaks

No less important, firm rules should be established to govern "official leaks" by ranking C.I.A. officers, so they would not feel free to flaunt the obligations that are supposed to bind everybody in the agency.

If Admiral Turner or his deputies consider it essential to talk to the press, they should do so only "on the record," allowing journalists to cite "C.I.A. officials" as their sources, and the leaked information should immediately be declassified and made available to all. This, one would hope, would discourage the Turners and the Colbys from parceling out secrets, or misinformation, to protect themselves or discredit critics since they would know they could always be called on it.

Meager as such proposals are, some of my former C.I.A. colleagues dismiss them as "idealistic." Perhaps they are. But until all top Government officials, particularly those who sign secrecy agreements, are willing to accept a curb on their own self-avowed right to leak at will, then the penalties they seek to impose on the likes of me for merely following their example will remain a travesty on justice and the First Amendment.

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